



DENVER
THE MILE HIGH CITY

Department of Public Works
Permit Operations and Right of Way Enforcement
201 W. Colfax Avenue, Dept. 507
Denver, CO 80202
P: 720-865-2782
F: 720-865-3280
www.denvergov.org/pwprs

REQUEST FOR VACATION ORDINANCE

TO: Karen Walton, City Attorney's Office
FROM: Robert J. Duncanson, P.E.,
Manager 2, Development Engineering Services
ROW NO.: 2012-0235-02
DATE: October 19, 2012
SUBJECT: Request for an Ordinance to vacate the alley bounded by Monroe St and Garfield St from Colfax Ave to mid block, without reservations.

It is requested that the above subject item be placed on the next available Mayor Council Agenda.

This office has investigated the request of Jansen Strawn Consulting, on behalf of Evergreen Development for granting of the above requested vacation. This matter has been field inspected and has been coordinated with Asset Management; Colorado Department of Transportation [if State Highway]; Comcast Corporation; Commission for People with Disabilities; Community Planning & Development - Building Inspections, Planning and Zoning; Councilperson Brooks; Fire Department; Metro Wastewater Reclamation District; Office of Emergency Management; Office of Telecommunications; Parks & Recreation; Public Works - DES - Construction Engineering, DES Engineering - Transportation & Wastewater, DES Survey, IPP Infrastructure Engineering and Street Maintenance; Qwest Corporation; Regional Transportation District; Denver Water Department; Xcel Energy, all of whom have returned our questionnaires indicating their agreement.

As a result of these investigations, hereby approved and the described area is hereby vacated and declared vacated; PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:

As a result of these investigations, it has been determined that there is no objection to vacating the said area(s).

Therefore, you are requested to initiate Council action to vacate the following area:

INSERT PARCEL DESCRIPTION ROW 2012-0235-02 HERE

The following information, pertinent to this request action, is submitted:

1. The width of this area is 16 feet.
2. Transportation connectivity is preserved so that there will be minimal impacts to the transportation system.
3. The area is open and is being used.
4. **8** buildings abut on said area.
5. The owner of the contiguous area would benefit by being able to make more effective use of their ground; the City would benefit by reduced maintenance responsibility.
6. Grades and drainage are not adversely affected by this action.
7. Replacement area will be required.
8. The vacating notice **was** posted on September 20, 2012, and the 20-day period for protests has expired.
9. Adjoining Neighbor and Registered Neighborhood Organization notification **was** sent on September 20, 2012.
10. Protests, sustained by the Manager of Public Works have not been filed.
11. Ordinance action by the City Council is considered to be necessary because the Council is the only City body authorized by the Charter to dispose of City property.

RJD: **VLH**

cc: Asset Management, Steve Wirth
City Councilperson & Aides Brooks
City Council Staff, Gretchen Williams
CPM, Mike Anderson,
Department of Law, Arlene Dykstra
Department of Law, Karen Aviles
Department of Law, Brent Eisen
Department of Law, Karen Walton
Public Works, Manager's Office, Alba Castro
Public Works, Manager's Office, Nancy Kuhn
Public Works Solid Waste, Mike Lutz
Public Works Survey, Paul Rogalla
Public Works Street Maint. William Kennedy,
Project File #2012-0235-02

Property Owner:
Evergreen Development
c/o Russell Perkins
2390 E Camelback Rd Suite 410
Phoenix, Az 85016

ORDINANCE/RESOLUTION REQUEST

Please email requests to Daelene Mix at
Nancy.khun@denvergov.org by NOON on Monday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: October 19, 2012

Please mark one: Bill Request or Resolution Request

1. Has your agency submitted this request in the last 12 months?

Yes No

If yes, please explain:

2. Title: *(Include a concise, one sentence description – please include name of company or contractor and contract control number - that clearly indicates the type of request: grant acceptance, contract execution, amendment, municipal code change, supplemental request, etc.)*

Request for an Ordinance to vacate the alley bounded by Monroe St and Garfield St from Colfax Ave to mid block, without reservations.

3. Requesting Agency: PW Right of Way Engineering Services

4. Contact Person: *(With actual knowledge of proposed ordinance/resolution.)*

- Name: Vanessa Herman
- Phone: 720-913-0719
- Email: vanessa.herman@denvergov.org

5. Contact Person: *(With actual knowledge of proposed ordinance/resolution who will present the item at Mayor-Council and who will be available for first and second reading, if necessary.)*

- Name: Nancy Kuhn
- Phone: 720-865-8720
- Email: nancy.kuhn@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

Vacate the alley bounded by Monroe St and Garfield St from Colfax Ave to mid block

****Please complete the following fields:** *(Incomplete fields may result in a delay in processing. If a field is not applicable, please enter N/A for that field.)*

- a. Contract Control Number: N/A
- b. Duration: permanent
- c. Location: Monroe St and Garfield St from Colfax Ave to mid block
- d. Affected Council District: Dist #8, Brooks
- e. Benefits: N/A
- f. Costs: N/A

7. Is there any controversy surrounding this ordinance? *(Groups or individuals who may have concerns about it?)* Please explain.

None

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date Entered: _____



EXECUTIVE SUMMARY

DENVER
THE MILE HIGH CITY

Project Title:2012-0235-02 Vacation Blue Bird Center Colfax Ave between Monroe St and Garfield St.

Description of Proposed Project:Vacate the alley bounded by Monroe St and Garfield St from Colfax Ave to mid block for a future market.

Explanation of why the public right-of-way must be utilized to accomplish the proposed project:For the new development

Has a Temp MEP been issued, and if so, what work is underway:N/A

What is the known duration of an MEP:N/A

Will land be dedicated to the City if the vacation goes through:yes

Will an easement be placed over a vacated area, and if so explain:No

Will an easement relinquishment be submitted at a later date:No

Additional information:None

**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND BEING THE SOUTHERLY 311.89 FEET OF THE 16.00 FEET WIDE ALLEY IN BLOCK 21, COLFAX AVENUE PARK SUBDIVISION PER THE PLAT RECORDED ON MAY 2, 1888 IN BOOK 5 AT PAGE 3 IN THE RECORDS OF ARAPAHOE COUNTY, COLORADO, AND THE MAP OF OFFICIAL SURVEY PER ORDINANCE NO. 96-1892, CITY OF DENVER, COLORADO, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BRASS TAG IN CONCRETE STAMPED "AZTEC PLS NO. 33204" BEING THE SOUTHWEST CORNER OF SAID BLOCK 21 AND A BRASS TAG IN CONCRETE STAMPED "AZTEC PLS NO. 33204" ON THE WEST BOUNDARY OF SAID BLOCK 21, BEARING NORTH 00°14'12" WEST, A DISTANCE OF 312.63 FEET;

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 21;

THENCE ALONG THE SOUTH BOUNDARY OF SAID BLOCK 21, NORTH 89°55'30" EAST, A DISTANCE OF 124.81 FEET TO THE SOUTHEAST CORNER OF LOT 23, SAID BLOCK 21, AND THE **POINT OF BEGINNING**;

THENCE ALONG THE EAST BOUNDARY OF LOTS 23 THROUGH 11, SAID BLOCK 21, NORTH 00°14'12" WEST, A DISTANCE OF 311.89 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF LOT 11, SAID BLOCK 21;

THENCE DEPARTING SAID EAST BOUNDARY, NORTH 89°55'30" EAST, A DISTANCE OF 16.00 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF LOT 36, SAID BLOCK 21;

THENCE ALONG THE WEST BOUNDARY OF LOTS 36 THROUGH 24, SAID BLOCK 21, SOUTH 00°14'12" EAST, A DISTANCE OF 311.89 FEET TO THE SOUTHWEST CORNER OF SAID LOT 24;

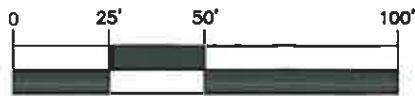
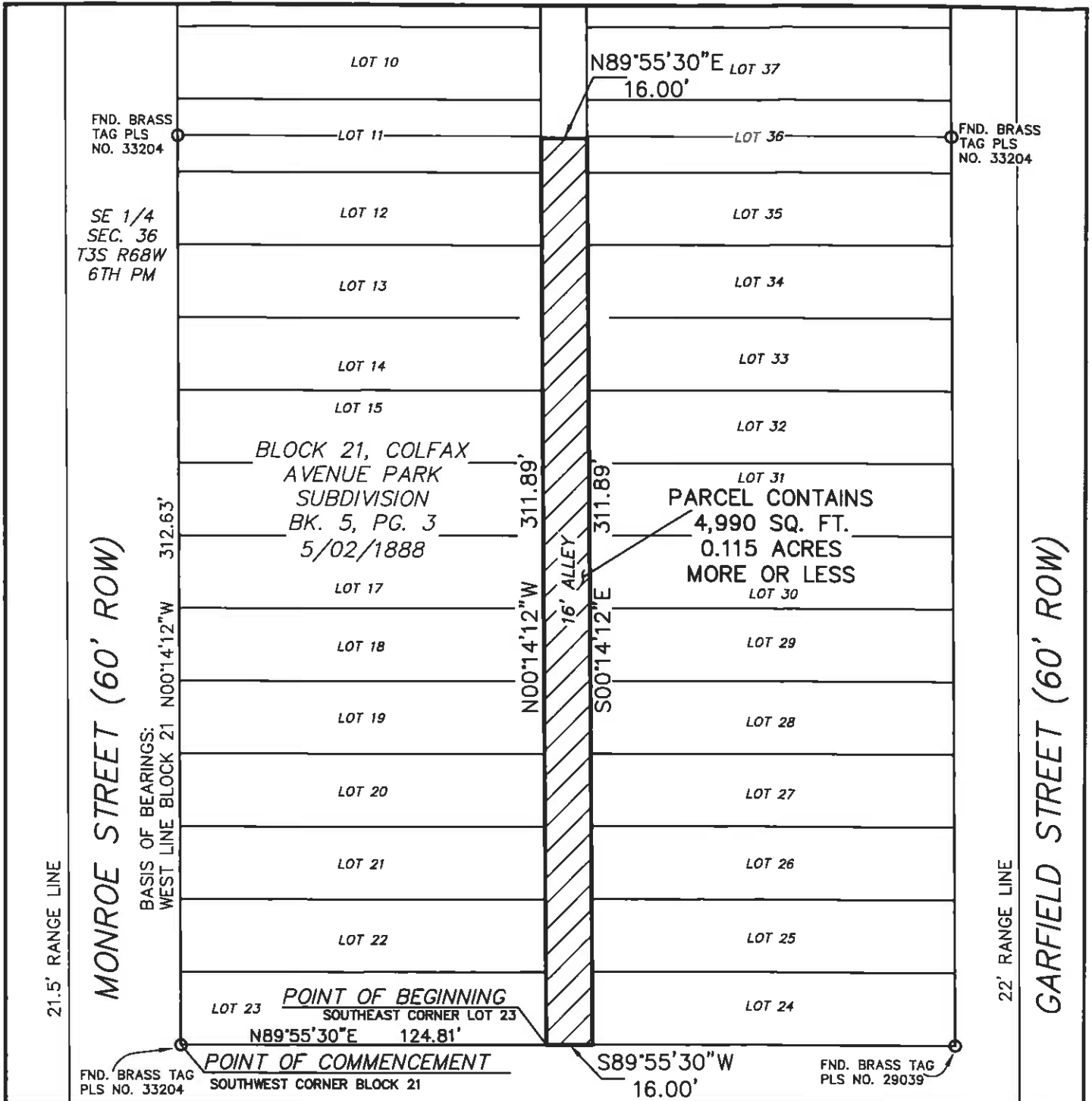
THENCE DEPARTING SAID WEST BOUNDARY ALONG THE SOUTH BOUNDARY OF SAID BLOCK 21, SOUTH 89°55'30" WEST, A DISTANCE OF 16.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 0.115 ACRES, (4,990 SQUARE FEET), MORE OR LESS.
EXHIBIT ATTACHED AND MADE A PART HEREOF.



DALE C. RUSH
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 33204
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.
8000 S. LINCOLN STREET, SUITE 201, LITTLETON, CO 80122

ILLUSTRATION TO EXHIBIT A



1 inch = 50 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

PATH: v:\70911-02\DWG
 DWG NAME: ALLEY-VAC
 DWG: DCR CHK: DCR
 DATE: 7/17/2012
 SCALE: 1" = 50'



8000 SOUTH LINCOLN ST.
 SUITE 201
 Littleton, Colorado 80122
 Phone: (303)713-1898
 Fax: (303)713-1897
 www.aztecconsultants.com

EXHIBIT A
 SE1/4, SEC. 36, T3S, R68W, 6TH P.M.
 CITY & COUNTY OF DENVER, COLORADO
 JOB NUMBER 70911-02 2 OF 2 SHEETS